

Entered 02/19/08 sb  
CL 08L0153 – LISA CARTER

10- R -0460

**CLAIM OF: NORTHMOOR  
APARTMENTS  
690 Lindbergh Drive  
Atlanta, Georgia 30324**

For damages alleged to have been sustained as a  
result of a sewer back up on January 15, 2008 at 690  
Lindbergh Drive.

THIS ADVERSED REPORT IS  
APPROVED

BY: \_\_\_\_\_

**JERRY L. DELOACH  
DEPUTY CITY ATTORNEY**

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

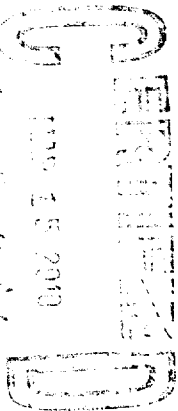
DATE: 3/5/10

CHAIR: [Signature]

[Signature]

Yaduan  
Jane M. Sheppard

MAR 15 2010



MAR 15 2010

ADVERSED BY  
CITY COUNCIL



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6030  
FAX (404) 658-6273

March 19, 2010

Northmoor Apartments  
690 Lindbergh Drive  
Atlanta Georgia 30324

10-R-0460

Dear Sir/Madam

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on March 15, 2010. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400**

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 08L0153

Date: February 11, 2010

Claimant /Victim NORTHMOOR APARTMENTS

BY:(Atty)(Ins.Co.)

Address: 690 Lindbergh Drive Atlanta, Georgia 30324

Subrogation:            Claim for Property damage \$ 5,329.64 Bodily Injury \$           

Date of Notice: 01/30/08 Method: Written, proper X Improper           

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 01/15/08 Place: 690 Lindbergh Drive

Department Watershed Management Bureau: Wastewater Treatment & Collections Office:           

Employee involved            Disciplinary Action:           

NATURE OF CLAIM: The claimant alleges that it sustained damages as a result of a sewer back up at 690 Lindbergh Drive. However, an investigation determined the sewer back up was due to grease entering the main line from the claimant's sewer line.

### INVESTIGATION:

Statements: City employee            Claimant            Others            Written            Oral           

Pictures            Diagrams            Reports: Police            Dept Report X Other           

Traffic citations issued: City Driver            Claimant Driver           

Citation disposition: City Driver            Claimant Driver           

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial           

Improper Notice            More than Six Months            Other X Damages reasonable           

City not involved            Offer rejected            Compromise settlement           

Repair/replacement by Ins. Co.            Repair/replacement by City Forces           

Claimant Negligent            City Negligent            Joint            Claim Abandoned           

Respectfully submitted,



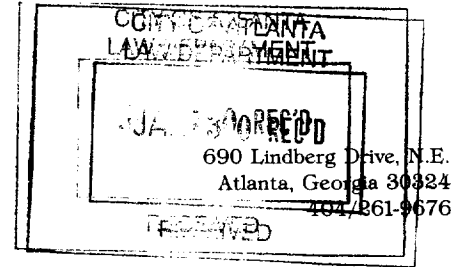
INVESTIGATOR - LISA CARTER

### RECOMMENDATION:

Pay \$            Adverse X Account charged: General Fund            Water & Sewer X Aviation           

Claims Manager:            Concur/date 02/22/10

Committee Action:            Council Action



ENTERED - 2-19-08 - SB  
08L0153 - LISA CARTER

*Carter*  
*02/15/08*  
*[Signature]*

City of Atlanta Municipal  
55 Trinity Ave. S. W.  
Atlanta, Ga. 30303 -3520

Att: Law Dept. (Claims)

City of Atlanta came to Northmoor Apartments 1-15-08 and jetted out main sewer at 2441 building, which caused 2422 C,D,E & F to backup with sewage 1-16-08 approximately 5:00 p.m. Inspector Levon Crum, City of Atlanta arrived on property and took pictures of above units.

City of Atlanta arrived on property, 1-17-08 approx. 11:00 A.M. placed camera in sewer and stated "crew that came out 1-15-08 did not clean properly and will send another crew out to re-clean."

Vincent Birdwell, City of Atlanta, was called 1-18-08 approx 11:15 a.m. to send crew to clean each patio.

I called Creative Carpet to extract raw sewage 1-16-08. **Cost \$2,480.**  
Mendel-Tencer Flooring Group replaced carpet and vinyl in above units. **Cost \$2,849.64.**

**Total due to Northmoor Apartments for Damage: \$5,329.64.**

Thanks you,

Pat Holloway  
Property Manager

Northmoor Apts. 404-261-9676  
690 Lindbergh Dr.  
Atlanta, Ga. 30324

10- R -0460

RCS# 124  
3/15/10  
2:18 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Bond
B Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	B Sheperd	NV Mitchell

CONSENT I